

# Orr&Reno

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June 10, 2016

**Via Hand Delivery and Email**

Pamela Munroe, Administrator  
New Hampshire Site Evaluation Committee  
c/o New Hampshire Public Utilities Commission  
21 South Fruit St., Suite 10  
Concord, NH 03301-2429

***Re: SEC Docket No. 15-04, Application of Public Service Company of New Hampshire  
d/b/a Eversource Energy for a Certificate of Site And Facility for the Construction of a  
New 115 kV Transmission Line from Madbury Substation to Portsmouth Substation***

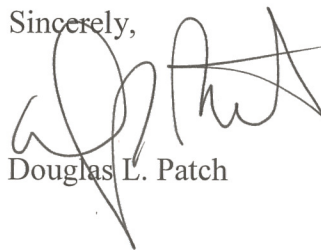
Dear Ms. Munroe:

Enclosed are an original and one copy of the Petition to Intervene of the Town of Durham and the University of New Hampshire in the above-captioned docket, along with my Appearance.

If you have any questions, please do not hesitate to contact me.

Thank you for your assistance.

Sincerely,



Douglas L. Patch

DLP/eac

Enclosure

cc (via email): Service List in SEC Docket 15-04

1526941\_1

**STATE OF NEW HAMPSHIRE**  
**BEFORE THE**  
**NEW HAMPSHIRE SITE EVALUATION COMMITTEE**  
**SEC Docket No. 2015-04**

**Application of Public Service Company of New Hampshire d/b/a Eversource Energy  
for a Certificate of Site And Facility for the Construction of a New 115 kV  
Transmission Line from Madbury Substation to Portsmouth Substation**

**Petition to Intervene on Behalf of the Town of Durham  
and the University of New Hampshire**

The Town of Durham (“Durham”) and the University of New Hampshire (“UNH”), by and through their attorneys, respectfully and jointly petition the New Hampshire Site Evaluation Committee (“Committee”) for leave to intervene as one party in the above-captioned proceeding under N.H. Admin. Rule Site 202.11 and RSA 541-A:32. In support of this petition, Durham and UNH represent that:

1. On April 12, 2015 the Committee received an Application for a Certificate of Site and Facility from Eversource for the construction of a new 115 kV Transmission Line from the Madbury Substation to Portsmouth Substation (“Application”). The proposed Project described in the Application will be located in the Towns of Madbury, Durham, Newington and the City of Portsmouth and a portion of the Project will run through property owned by UNH. The Committee accepted the Application as being administratively complete on June 1, 2016. *See* RSA 162-H:7, VI.

2. The statutory standards for intervention are set forth in RSA 541-A:32, I and II. First, a petition for intervention *must* be granted if the petitioner states facts demonstrating how its rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding (or the petitioner qualifies under any provision of law)

and the interests of justice and orderly and prompt conduct of the proceedings would not be impaired by allowing intervention. *See* RSA 541-A:32, I(b) and (c). Second, the Committee *may* grant a petition to intervene “at any time, upon determining that such intervention would be in the interests of justice and would not impair the orderly conduct of the proceedings.” RSA 541-A:32, II. *See also* N.H. Admin. R. Site 202.11 (requiring the presiding officer to grant one or more petitions to intervene in accordance with the standards of RSA 541-A:32). For the reasons presented below Durham and UNH meet both of the foregoing mandatory and discretionary intervention standards.

3. Durham and UNH have rights, duties, privileges, immunities or other substantial interests that may be affected by this proceeding. As a host municipality for a portion of this Project, as indicated in studies included with the Application, Durham meets the definition of “Affected Communities” under Admin. Rule Site 102.07. A significant portion of the Project’s 12.9 miles are located in Durham and as proposed the Project will pass through property owned by UNH. The Project will traverse relatively rural and undeveloped areas in Durham, as well as densely populated areas associated with UNH and commercial sections of Durham. Application at 8. The Project will also pass through the Oyster River, Great Bay and Lamprey River watersheds, many acres of which are located in Durham. Application at 6. As the Application also notes, there are 22 archeological resources and 55 historical sites in Durham that have been identified by the Project. Application at 10, 76.

4. Eversource has worked with Durham and UNH to address many of the concerns that have been expressed about the Project in Durham. As proposed in the Application the Project includes an underground segment in Durham of approximately

2,100 feet in length. Application at E-4. Eversource has contracted with UNH to acquire property on which it plans to locate a transition structure and a new easement on which to locate the 2,100 feet of underground cable in Durham. Application at 40.

5. Under RSA 162-H:16, IV(b), the Committee is required to give due consideration to the views of municipal planning committees and governing bodies. Granting this Petition and thereby allowing Durham's participation in the proceeding will facilitate the Committee in carrying out this obligation.

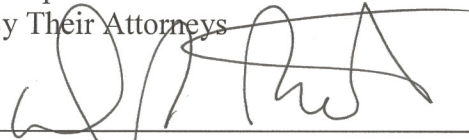
6. As noted above, Durham and UNH's rights, duties, privileges or substantial interests may be affected by the proceeding. The interests of justice and orderly and prompt conduct of the proceeding will not be impaired by the granting of this Petition to Intervene.

**WHEREFORE**, Durham and UNH respectfully request that the Committee grant them intervenor status in the proceeding and grant such other relief as the Committee deems just and equitable.

Respectfully submitted,

Town of Durham and University of New  
Hampshire

By Their Attorneys



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Dated: June 10, 2016

**Certificate of Service**

I hereby certify that a copy of the foregoing Petition has on this 10<sup>th</sup> day of June 2016 been sent by email to the service list in SEC Docket No. 2015-04.

By: 

Douglas L. Patch

1526705\_1



**STATE OF NEW HAMPSHIRE**  
**BEFORE THE**  
**NEW HAMPSHIRE SITE EVALUATION COMMITTEE**  
**SEC Docket No. 2015-04**

**Application of Public Service Company of New Hampshire d/b/a Eversource Energy for a  
Certificate of Site And Facility for the Construction of a New 115 kV Transmission Line  
from Madbury Substation to Portsmouth Substation**

**Appearance Behalf of the Town of Durham and  
the University of New Hampshire**

Please enter my Appearance pursuant to Admin. Rule Site 202.04 as counsel for the Town of Durham and the University of New Hampshire in the above-captioned matter, SEC Docket No. 15-04, Application of Public Service Company of New Hampshire d/b/a Eversource Energy for a Certificate of Site and Facility for the Construction of a New 115 kV Transmission Line from Madbury Substation to Portsmouth Substation. I am licensed to practice law in New Hampshire. I agree to adhere to the Site Evaluation Committee's rules of practice and procedure and to adhere to any orders of the Committee or agreements between the parties in the docket, including orders or agreements addressing confidentiality.

Respectfully submitted,

The Town of Durham and the University of New Hampshire  
By Their Attorneys

  
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Dated: June 10, 2016

**Certificate of Service**

I hereby certify that a copy of the foregoing Appearance has on this 10th day of June, 2016 been sent by email to the service list in SEC Docket No. 15-04.

By: \_\_\_\_\_

Douglas L. Patch

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